



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

December 6, 2007

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Jean Pierre De Melo  
BRD Security Products, Inc. d/b/a Spybase.com  
4527 Sepulveda Blvd. (Anza Center)  
Torrance, CA. 90505

Re: File No. EB-07-SE-194

Dear Mr. Melo:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 503(b)(5), to BRD Security Products, Inc. d/b/a Spybase.com ("BRD") for marketing in the United States unauthorized radio frequency devices in violation of Section 302(b) of the Act, 47 U.S.C. § 302a(b), and Sections 2.803 and 15.205(a) of the Commission's Rules ("Rules"), 47 C.F.R. §§ 2.803 and 15.205(a). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter of inquiry dated October 9, 2007, the Spectrum Enforcement Division of the Commission's Enforcement Bureau ("the Division") initiated an investigation into whether BRD is marketing in the United States unauthorized radio frequency jamming or blocking devices, specifically, an anti-wiretap equipment GPS intercept device (listed as Item No. WR2620), a 1.2/2.4 GHz wireless camera jammer (listed as Item No. RP-24G), and a cellular phone blocker (listed as Item No. 1900BLK-110).<sup>1</sup> The Division observed advertisements for each of these jammer devices on BRD's web site, [www.Spybase.com](http://www.Spybase.com), on August 20, 2007.

In your October 16, 2007 response,<sup>2</sup> you admit that you imported 50 units of the anti-wiretap equipment GPS intercept device (Item No. WR2620) into the United States and began advertising this device on your web site, [www.Spybase.com](http://www.Spybase.com), in October 2006. You also admit to the sale of 14 of these GPS intercept devices to clients within the United States. You further admit that you imported 5 units of the 1.2/2.4 GHz wireless camera jammer (Item No. RP-24G) into the United States and began advertising this device on your web site in February 2007. You state that you have never "imported, exported, purchased or sold" the cellular phone blocker (Item No. 1900BLK-110); however, you state that you have advertised this device on your web site with a disclaimer on the bottom of the web page that the device is available for law enforcement only.<sup>3</sup> You state that immediately upon receipt of the Division's October 9, 2007 letter of inquiry, you removed the advertisements for each device from your website. In addition,

---

<sup>1</sup> Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, to BRD Security Products, Inc. d/b/a Spybase.com (October 9, 2007).

<sup>2</sup> Letter from Jean Pierre De Melo of BRD Security Products, Inc. to Spectrum Enforcement Division, Enforcement Bureau (October 16, 2007).

<sup>3</sup> *Id.*

along with your October 16, 2007 response to the Division's letter, you shipped the remaining inventory of devices to the Commission.<sup>4</sup>

Section 302(b) of the Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Commission's implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Additionally, Section 2.803(g) of the Rules, 47 C.F.R. § 2.803(g), provides in pertinent part that:

[R]adio frequency devices that could not be authorized or legally operated under the current rules ... shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators<sup>5</sup> must be authorized in accordance with the Commission's certification procedures prior to the initiation of marketing<sup>6</sup> in the U.S. It does not, however, appear that any of the above-cited jammer devices are capable of receiving a grant of certification. In this regard, the main purpose of each of the jammer devices is to block or interfere with radio communications. Such use is clearly prohibited by Section 333 of the Act, 47 U.S.C. § 333, which states that "[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government." Moreover, the GPS intercept device and the 1.2/2.4 GHz wireless camera jammer operate within restricted frequency bands listed in Section 15.205(a) of the Commission's rules.<sup>7</sup> Thus, these devices cannot comply with the FCC's technical standards and therefore cannot be certified or marketed. Finally, you state that you advertised the cellular phone blocker with a disclaimer that the device is for law enforcement only. While radio frequency devices intended for the federal government or agencies thereof are exempt from the Commission's rules,<sup>8</sup> there is no similar exemption for sales to state and local law enforcement. Accordingly, it appears that BRD has violated

<sup>4</sup> *Id.* The Commission received 5 units of the anti-wiretap equipment GPS intercept device (Item No. WR2620) and 4 units of the 1.2/2.4 GHz wireless camera jammer (Item No. RP-24G). The Commission also received 7 units of a wireless camera blocker (Item No. WR2602) which BRD stated it had imported into the United States but had never advertised or sold in the United States.

<sup>5</sup> Section 15.3(o) of the Rules defines an "intentional radiator" as a "device that intentionally generates and emits radio frequency energy by radiation or induction." 47 C.F.R. § 15.3(o).

<sup>6</sup> Section 2.803(e)(4) of the Rules defines "marketing" as the "sale or lease, or offering to sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease." 47 C.F.R. § 2.803(e)(4).

<sup>7</sup> Section 15.205(a) allows intentional radiators to transmit only spurious emissions in the restricted frequency bands. 47 C.F.R. § 2.1 defines spurious emissions as "[e]missions on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions." The GPS intercept device (which operates in the 1575.42 MHz band) and the 1.2/2.4 GHz wireless camera intentionally transmit RF energy on restricted frequencies.

<sup>8</sup> See 47 U.S.C. § 302(c); 47 C.F.R. § 2.807(d).

Section 302(b) of the Communications Act and Sections 2.803 and 15.205(a) of the Commission's rules by marketing in the United States radio frequency devices that are not eligible for certification.

**If, after receipt of this citation, BRD Security Products, Inc. violates the Communications Act or the Commission's Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.<sup>9</sup>**

If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that BRD Security Products, Inc. is taking to ensure that it does not violate the Commission's rules governing the marketing of jamming devices in the future.

The nearest Commission field office is the Los Angeles, California office. Please call Peter Waltonen, Esq. at 202-418-0097, if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Rm. 3-C366  
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau

---

<sup>9</sup> See 47 C.F.R. § 1.80(b)(3).